

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: OH, Jae-Hyuk *et al.*
SERIAL NO.: 10/561,559
FILED: 12/19/2005
GROUP ART UNIT: 3654
EXAMINER: Kruer, Stefan
FOR: Elevator Active Suspension Utilizing Repulsive Magnetic Force

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF REVIEW

Dear Sir:

There is no *prima facie* case of obviousness against any of Applicant's claims.

The Rejection of Claims 1-3, 6-8 and 11 Under 35 U.S.C. §103 Must be Withdrawn

There is no *prima facie* case of obviousness because the Examiner's proposed combination of the He, et al. reference and the Kurosawa, et al. reference does not establish a *prima facie* case of obviousness. The references do not contain what the Examiner contends.

The Examiner contends that the Kurosawa, et al. reference teaches a repulsive magnetic force. The reference simply does not teach that. In fact, in paragraph 0013, it is clear that the electromagnet 10 *attracts* the sole plate 6 of the car frame 2 as shown in Figure 2 of the Kurosawa, et al. reference. There is no indication anywhere within the reference of any use of a repulsive force. Instead, the reference explicitly teaches using an attractive magnetic force. Therefore, even if the Examiner's proposed combination of references could be made, the result is not what the Examiner contends and there is no *prima facie* case of obviousness. Neither

reference teaches using a repulsive force as suggested by the Examiner. Without that, there is no possible *prima facie* case of obviousness.

Additionally, neither reference teaches opposing electromagnets interacting with each other. Instead, in the He, et al. reference, the electromagnets 216 interact with magnetic reaction plates 210. There is no interaction between electromagnets consistent with that recited in Applicant's claims. Additionally, the Kurosawa, et al. reference does not have electromagnets interacting with each other. Electromagnets 10 attractively pull on the plate 6, for example. That does not constitute electromagnets interacting with each other. Without any teaching of an electromagnet facing a corresponding electromagnet and interacting as recited in Applicant's claims, there is no possible *prima facie* case of obviousness based upon the proposed combination of the He, et al. and Kurosawa, et al. references.

As the references do not teach what the Examiner contends, there is no possible *prima facie* case of obviousness and the rejection under 35 U.S.C. §103 must be withdrawn.

Respectfully submitted,

David L. Gaskey, Reg. No. 37,139
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: August 1, 2008

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

60,469-241; OT5178

CERTIFICATE OF FACSIMILE

I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300.

on _____

Signature _____

Typed or printed name _____

Application Number

10/561559

Filed

12/19/2005

First Named Inventor

Oh, Jae-Hyuk, et al.

Art Unit

3654

Examiner

Kruer, Stefan

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

/David J. Gaskey/

Signature

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

David J. Gaskey

Typed or printed name

attorney or agent of record.

Registration number 37139

248 988 8360

Telephone number

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

August 1, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.



*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.